

REMARKS

At the issuance of the Office Action, claims 17, 18, 20, 22-24, 26, 29-37, 39 and 40 are pending in the application with the Office presenting rejections on various grounds for each of these claims. The applicants have not presented any further amendments to the claims but rather submits that the following arguments traverse the Office's rejections and that the claims as pending, are allowable.

Specification

The Office has not specifically addressed the applicants amendment to the specification that was presented in the August 28, 2008 filing and so, the applicants conclude that the amendments have been accepted by the Office and that the objections to the specification have been overcome.

Offices Response to Arguments

As a formality, the Office indicates in the office action that the applicants arguments filed on February 20, 2008 were not persuasive. First of all, the applicants wish to point out that the applicants arguments were filed on August 28, 2008 in response to the February 20, 2008 office action. Secondly, the applicants want to make it a matter of record that indeed, the applicants arguments and amendments were indeed persuasive at least to the extent of requiring the Office to add an additional reference and change the basis of rejection from 35 USC 102 to 35 USC 103.

Claim Rejections – 35 USC § 103

The Office has rejected claims 17, 18, 20, 22-24, 26, 29, 30, 35-37, 39 and 40 under 35 U.S.C 103(a) as being unpatentable over United States Patent Application Publication 2002/0118112 filed in the name of Lang (Lang1) in view of US Patent Application Publication 2002/0078367 to Lant et al. (Lang2), United States Patent Application Publication 2005/0275396 to Kitani et al. (Kitani) and United States Patent Number 6,985,078 to Suzuki et al. (Suzuki).

The present application was filed under 35 USC 371 based on international patent application PCT/IL04/00316 having a filing date of April 7, 2004, which application claims priority to United States Provisional Application for Patent serial number 60/461,319 having a filing date of April 8, 2003. The present application thus has a priority date of April 8, 2003.

Of the currently pending claims, claims 17 and 36 are the only two independent claims. All the remaining claims depend either directly or indirectly from either claim 17 or claim 36.

The Office presents a rejection of claim 17 under 35 USC 103 based on each of the above cited references. More specifically, the Office admits that Lang 1 does not teach that the personal wireless gateway stores setting parameters for the measuring device. The Office then relies upon Kitani to establish this claim element in support of the rejection under 35 USC 103. Kitani was filed on June 8, 2005 and claimed priority to Japan application number 2004-170620 having a priority date of June 8, 2004. Because the present application has an earlier priority date, the Kitani reference is not a valid reference under 35 USC 102 and as such, is not a valid basis for a rejection under 35 USC 103.

The applicants submit that based on this information, the rejection of claim 17 is not proper and respectfully request the Office to remove this rejection.

The Office presents a rejection of claim 36 under 35 USC 103 based on each of the above cited references. More specifically, the Office admits that Lang1 does not teach that the personal wireless gateway stores setting parameters for the measuring device. The Office then relies upon Kitani to establish this claim element in support of the rejection under 35 USC 103. Kitani was filed on June 8, 2005 and claimed priority to Japan application number 2004-170620 having a priority date of June 8, 2004. Because the present application has an earlier priority date, the Kitani

reference is not a valid reference under 35 USC 102 and as such, is not a valid basis for a rejection under 35 USC 103.

Thus, the applicant submits that the two pending independent claims, namely claims 17 and 36, are allowable over the cited art. Further, the applicants assert that each of the pending dependent claims is thus likewise allowable. Such action is respectfully requested of the Office.

Conclusion

In view of the above-presented arguments, the applicants respectfully submit that Claims 17, 18, 20, 22-24, 26, 29, 30, 35-37, 39 and 40 are not rendered obvious by the cited art and are, therefore, allowable.

All of the issues raised by the Examiner have been dealt with. In view of the foregoing, it is submitted that all the claims now pending in the application are allowable over the cited reference. An early Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

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